

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

NKUMA UCHE,	)	CASE NO. 4:09CV3106
Plaintiff,	)	
)	)	
v.	)	
)	)	
NORTH STAR CAPITAL	)	MEMORANDUM
ACQUISITION, LLC, KIRK E.	)	AND ORDER
BRUMBAUGH, MARK QUANDAHL,	)	
KARL VON OLDENBERG, SARA	)	
MILLER, and CORY ROONEY,	)	
)	)	
Defendants.	)	
NKUMA UCHE,	)	CASE NO. 4:09CV3123
Plaintiff,	)	
)	)	
v.	)	
)	)	
BRUMBAUGH & QUANDAHL, P.C.,	)	
)	)	
Defendant.	)	

These matters are before the court on Defendants' Motion to Quash Notice of Deposition and for Protective Order to Enforce Agreement. (Case No. 4:09CV3123, Filing No. [69](#); Case No. 4:09CV3106, Filing No. [138](#).) In these Motions, Defendants request that the court enforce the parties' previous agreement to permit the deposition of a representative from Defendant North Star Capital Acquisitions ("North Star") to take place by telephone on June 9, 2010, at 9:30 a.m. (Case No. 4:09CV3123, Filing No. [69](#); Case No. 4:09CV3106, Filing No. [138](#).) Plaintiff filed an Opposition to the Motions. (Case No. 4:09CV3123, Filing No. [69](#); Case No. 4:09CV3106, Filing No. [143](#).)

The court has carefully reviewed the record and finds that the parties agreed, on the record during another individual's deposition, that the North Star representative's deposition would occur by telephone. (Case No. 4:09CV3123, Filing No. 72, Attach. [72-1](#); Case No. 4:09CV3106, Filing No. 142, Attach. [142-1](#).) The parties later agreed that the

agreed-upon telephone deposition would take place on Wednesday, June 9, 2010, at 9:30 a.m. (Case No. 4:09CV3123, Filing No. [69](#); Case No. 4:09CV3106, Filing No. [138](#).) North Star's representative is located in New York, counsel for North Star is located in Iowa, and Plaintiff is located in Nebraska.<sup>1</sup> (Case No. 4:09CV3123, Filing No. [69](#); Case No. 4:09CV3106, Filing No. [138](#).) In light of this, and in light of the June 14, 2010, deposition deadline, the court finds that the parties' previous agreement should be enforced.

IT IS THEREFORE ORDERED that:

1. Defendants' Motion to Quash Notice of Deposition and for Protective Order to Enforce Agreement (Case No. 4:09CV3123, Filing No. [69](#); Case No. 4:09CV3106, Filing No. [138](#)) is granted;
2. The deposition of a representative from Defendant North Star Capital Acquisitions shall take place by telephone on June 9, 2010, at 9:30 a.m. In accordance with the parties' previous agreement, counsel for Defendant shall arrange the conference call. Plaintiff shall provide counsel for Defendant with his telephone number and the telephone number of his chosen court reporter; and
3. All other pending Motions and Objections are denied.

DATED this 7<sup>th</sup> day of June, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

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<sup>1</sup>Plaintiff subsequently requested that the deposition occur by video conference. Defendants object to video conferencing because a video conference deposition requires locating host facilities in Nebraska, Iowa, and New York. (Case No. 4:09CV3123, Filing No. [69](#); Case No. 4:09CV3106, Filing No. [138](#).) In short, the record shows that setting up a video conference comes at a considerable cost (of both time and money) to the parties. Such a cost is unnecessary given the availability of, and prior agreement regarding, a telephonic deposition.

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